

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

– against –

No. 22-cr-405 (KAM)

ANTHONY VILLANI,

Defendant.
-----X

SENTENCING MEMORANDUM OF DEFENDANT ANTHONY VILLANI

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Defendant Anthony Villani respectfully submits this sentencing memorandum in support of his request for a substantially below-Guidelines sentence.

I. INTRODUCTION

This case has cast a pall on Anthony Villani's life since December 2020, when his home was searched as part of the FBI's investigation. The offense conduct ended then, five years ago. But in the last five years, the stress of this case has been eclipsed by Mr. Villani's familial worries and responsibilities. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Truly, Mr. Villani has been an extraordinary caretaker.

He is just as present for his step-father who has been like a second father to Mr. Villani since he was just a boy. Mr. Villani's step-father is 76 years old, [REDACTED]. He too has benefited from Anthony's devoted care. [REDACTED]

[REDACTED]

But if Mr. Villani receives a long Guidelines sentence, they would have to. Mr. Villani's parents would suffer the brunt of his sentence. Indeed, there is no one in the family to step into Mr. Villani's shoes. His only sister passed away from a tragic accident in 2003 at just 35 years old. [REDACTED]

As Probation recognized, because Mr. Villani "is the primary caretaker for his elderly mother and stepfather," "[a] sentence within the applicable guideline range will cause a detrimental loss of essential caretaking to his family members for an extended period of time." PSR ¶ 144.

Although Mr. Villani is the first to recognize the seriousness of his offense, and accepted full responsibility with his guilty plea, the realities of his life in the last five years since the offense conduct ended, merit significant consideration in crafting a sentence that is "sufficient but not greater than necessary." 18 U.S.C. § 3553(a). Per Probation's suggestion, Mr. Villani's substantial, daily responsibilities caring for his elderly parents support a below-Guidelines sentence for Anthony Villani.

II. ANTHONY HAS SPENT A LIFETIME PRIORITIZING HIS FAMILIAL RESPONSIBILITIES

A. Anthony's Parents Rely On Him For Their Daily Needs

1. Mr. Villani Is The Primary Caretaker [REDACTED]

Mr. Villani grew up in a working class Italian American neighborhood in the Bronx. *See* PSR ¶ 103. Mr. Villani's family was very much part of the working class milieu; he "was raised in a lower-income household in the Bronx." PSR ¶ 104. Home life got more difficult when Mr. Villani's parents divorced when he was just 7 years old. PSR ¶ 103. His mother, who supported Mr. Villani and his sister, "struggled to make ends meet," for herself and her children. Ex. A,

Phyllis Pezzullo Ltr. at 1 (“When my children were very young, I became a single mother.”). Those “[t]imes were hard” for the family, and Mr. Villani began feeling the weight of his family responsibilities from a young age. *Id.*

Even when he was still just a boy, Mr. Villani felt inspired to contribute to his family. In addition to attending a rigorous Catholic school where he was “always striving to do his best,” Anthony “[f]rom an early age, . . . showed responsibility, kindness, and a strong work ethic.” *Id.* When Mr. Villani was “just 12 years old,” he “took a job delivering groceries. He worked every day after school while maintaining good grades.” *Id.* Mr. Villani’s mother vividly recounts:

I will never forget the day he came home with his first paycheck—his face beaming with pride as he said, “Mom, I’m taking you to lunch—on me.” He knew we didn’t have much and we never had the money to eat out, That moment perfectly captured the man he has become—selfless, hardworking, and devoted to family.

Id.

Since then, Anthony has been the mainstay of his family. And as his parents have aged, Anthony has taken on ever more responsibility. Anthony’s mother, Phyllis Pezzullo, is 80 years old, and his step-father, Anthony Pezzullo, is 76. PSR ¶ 103. [REDACTED]

[REDACTED] *See id.* (“The defendant’s mother, age 80, resides in the Bronx, New York, and is a retired dental assistant. [REDACTED]

[REDACTED] The defendant is his mother’s current primary caretaker, taking her to doctors’ appointments and picking up her medications. . . . His mother married Anthony Pezzulo when the defendant was age 12. Mr. Pezzulo . . . resides with the defendant’s mother [REDACTED]. The defendant is also his stepfather’s primary caretaker, and related that neither parent has anyone else to care for them.”).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Villani's active presence [REDACTED] was invaluable. Ms. Pezzullo explains [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. A, Phyllis Pezzullo Ltr. at 2.

Since she was released from the rehabilitation facility, Mr. Villani's mother has continued to lean on him heavily. The transition to her new reality has been challenging. [REDACTED]

[REDACTED] Mr. Villani's mother "was an independent woman, [REDACTED]

[REDACTED] *Id.* Now she needs her son to help with so much of daily life—Mr. Villani "has been her full-time support."

Ex. A, Holly Figaro Ltr. at 2. He “is his mother’s emotional, financial, and physical support.” PSR ¶ 108. And he is with her “everyday or every other day.” *Id.*

His mother describes Mr. Villani’s active and reliable involvement in her daily care:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]; Ex. B, Carl Gerardi Ltr. at 1 (“Anthony also plays a crucial role in his mother’s life,

[REDACTED]

[REDACTED]. She often relies on him for assistance, and her concern for his well-being reflects the strong bond they share.”).

Anthony is always available to help his mother. His long term girlfriend, Holly, attests [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* Anthony’s mother appreciates what he does for her. “On many occasions,” Holly has “overheard her crying on the phone to him, telling him she thanks God for him every single day.” *Id.* Anthony’s mother tells the Court the same: “Despite his busy schedule, Anthony always makes time to care for me. His unwavering love and dedication mean the world to me.” Ex. A, Phyllis Pezzullo Ltr. at 2.

Anthony's mother could not manage without him. That became clear when earlier this year, he "was sick and unable to visit for several days, [REDACTED]

[REDACTED] Ex. A, Holly Figaro Ltr. at 2. [REDACTED]

[REDACTED] *Id.* Anthony's mother knows as much, telling the Court: "I would be lost without him and I am truly grateful to have him as my son." Ex. A, Phyllis Pezzullo Ltr. at 2.

Prior to his passing, Anthony was equally as attentive to his father, who "died in 2013, at age 69, due to complications of an unsuccessful liver transplant." PSR ¶ 103. Mr. Villani's step-mother, Janice Villani recalls that:

When his father faced serious health challenges, including needing a liver transplant, Anthony went above and beyond to ensure he received the best possible care- he is the son we all dream to have. He personally drove him back and forth to Boston to seek out top medical professionals and made countless trips between Florida and home, providing both physical and emotional support throughout the difficult journey. His dedication never wavered, and he handled these responsibilities with grace and selflessness.

Ex. A, Janice Villani Ltr. ("My husband, Anthony Villani Sr, passed away in 2013, after years of fighting his courageous battle. However, Anthony still makes sure to check in on me weekly and always makes time for me still. His kindness, generosity, and unwavering commitment to family have been nothing short of remarkable.").

Mr. Villani's step-father, Anthony Pezzullo, who married his mother when Mr. Villani was just 12 years old, similarly counts on Anthony for almost daily assistance. *See* PSR ¶ 103. Mr. Pezzullo, who is like a second father to Anthony, [REDACTED] *Id.*; accord Ex. A, Holly Figaro Ltr. at 2 ("He also supports his stepfather, [REDACTED] Mr. Villani's step-father lives with his mother in the Bronx, and Mr. Villani "is also his stepfather's

primary caretaker.” PSR ¶ 103. He prioritizes having “the flexibility to be available . . . [to] his stepfather as needed.” PSR ¶ 108.

2. *No One Else in The Family Is Able to Care for Mr. Villani’s Elderly Parents*

There is simply no one else in his family or support system available to care for his elderly mother and step-father in Mr. Villani’s absence. In 2002, Mr. Villani’s only sister Lisa died tragically “after falling down a flight of stairs and hitting her head.” PSR ¶ 105. She was just 35 years old. Then too, Mr. Villani was the backbone of his family that was reeling from this tragedy. According to Mr. Villani’s mother, “[a]hen [she] tragically lost [her] daughter, Lisa, at 35 yrs old Anthony was [her] rock.” Ex. A, Phyllis Pezzullo Ltr. at 1. Anthony:

[S]upported me through the darkest time of my life, offering comfort and strength when I needed it most. Even though he was going through a very hard time with losing his sister he was there for me and his father making all the funeral arrangements when me and his father couldn’t cope with the los[s] of our daughter, he has a mass said every year on her death anniversary and won’t let her memory die.

Id.

With no remaining siblings, there is no one else who can reliably stand in for Mr. Villani in performing the sensitive work of caring for elderly [REDACTED] who require daily help for everything from doctors’ visits to grocery shopping. They cannot get around on their own, and lean heavily on Anthony. Mr. Villani’s girlfriend Holly Figaro reflects clearly that: “[a]fter tragically losing his sister years ago, his mother relies on him now more than ever,” as does his step-father. Ex. A, Holly Figaro Ltr. at 1. “[N]either parent has anyone else to care for them.” PSR ¶ 103.

It is unclear how or whether Mr. Villani’s mother and step-father could manage in his absence. Probation recognized as much, explaining that Mr. Villani “is the primary caretaker for his elderly mother and stepfather,” and that “[a] sentence within the applicable guideline range

will cause a detrimental loss of essential caretaking to his family members for an extended period of time.” PSR ¶ 144. Probation thus found that Mr. Villani’s responsibilities caring for his elderly parents “may warrant a downward departure.” *Id.* The Court should impose a substantially below-Guidelines sentence accordingly.

B. Anthony’s Wife Robin Requires Care And Support From Anthony [REDACTED]

Nor can Mr. Villani’s wife Robin stand in for him to assist his mother and step-father.

[REDACTED]

[REDACTED]

[REDACTED] she is in no position to step in to care for Anthony’s impaired parents in his absence.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* Despite their separation, Anthony “remained [Robin’s] closest friend,” and Robin vividly remembers how indispensable his thoughtful care and support were during this time:

[REDACTED]

Id.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Robin explains fondly that “Anthony has now taken on the role of the ‘food police’ when he comes over to help me with the trash and other tasks around the house. He continues to look out for me by throwing away my unhealthy treats and insisting I take better care of myself.” Ex. A, Robin Villani Ltr. To this day, Anthony views taking care of Robin as an important part of his familial responsibilities.

III. ANTHONY HAS PRIORITIZED HIS RESPONSIBILITIES AS A FATHER

A. Anthony Was A Present And Influential Father When His Children Were Young, And Remains A Strong Force In Their Adult Lives

Mr. Villani is father to two adult children: Anthony Jr. is 40 years old, and Patricia is 35. PSR ¶ 106. Both have grown into successful, independent professionals. Mr. Villani’s son is a manager at a financial firm, and his daughter is a mental health counselor. *See id.* Both of Mr. Villani’s children credit much of their successes to their father’s guidance, care, and active role in their childhoods and educational paths.

Mr. Villani was a present and very involved father when his children were young. Mr. Villani’s son recalls his childhood fondly, writing that “[b]ecause of [his father he] had a happy childhood, full of laughter, love, and important life lessons.” Ex. A, Anthony Villani (Jr.) Ltr. at 1. He “was a beacon of kindness and generosity” to his children. *Id.* And “no matter how busy he was, he always made time for his family. . . . He was the kind of father who showed his love

not just through words but through actions. Teaching me the importance of respect, responsibility, and perseverance.” *Id.*

Mr. Villani’s son recounts one quintessential example—“[o]ne particular lesson” that “stands out”—of the kind of firm, caring, and thoughtful parent Mr. Villani was when his children were growing up:

When I was 14, I told my dad I wanted to quit playing sports. Instead of letting me walk away from something without understanding the value of commitment and discipline, he gave me a choice: If I didn’t want to play sports, I would need to get a job. And so I did just that and got my first job at an ice skating rink. That was the moment I learned the true meaning of work ethic and accountability, being lazy with no purpose or direction wouldn’t be tolerated. From that point on, I never stopped working. That lesson is one that I may not have fully appreciated at the time ended up becoming a defining moment in my life.

Id. Mr. Villani’s son is unequivocal that his father’s example, and thoughtful guidance helped him achieve the success he enjoys today:

Today, I am a director at an investment bank, leading a team of 24 people across two regions (US and Canada). I am one of the youngest in my role and I can say with certainty that this success is no accident. It is a direct result of the example my father set for me and the guidance he provided me throughout my life. His unwavering belief in hard work, personal responsibility, and resilience shaped the person I am today and molded me into one of the youngest directors managing an entire line of business for an investment bank.

Id.

Mr. Villani’s daughter Patricia, similarly commends her father’s support and encouragement for her success, explaining: “My father also instilled within me characteristics as a child that I carried throughout my adulthood including but not limited to: kindness, caution, determination and confidence.” Ex. A, Patricia Villani Ltr. When she was a child, that encouragement manifested as “support[ing her] interest and attended[ing] every play, concert, and performance [she] was involved in. [She] could count on him to meet me after the show with flowers and a smile of pride.” *Id.* But as she matured, Mr. Villani’s encouragement shifted focus

to her pursuit of an education and a stable career path. As Patricia tells the Court: “My dad encouraged the importance of an education throughout the years. Because of his unwavering support, I finished graduate school and became the Mental Health Counselor I am today.” *Id.*

Even now that they are grown, and have established, independent lives, Mr. Villani remains a strong support for his children. While he and Robin have been separated for decades, Robin attests:

[W]e continue to function as a strong family unit, especially for our adult children, whom we both love dearly. Throughout this entire journey, he has consistently treated me with the utmost respect, valuing our shared history and the family we’ve built together. His actions are not from a sense of obligation but from a love and deep care for me and our children. For that support and compassion, I am truly grateful.

Ex. A, Robin Villani Ltr.; *accord* Ex. A, Marguerite Ryder Ltr. (“I have known Anthony for more than 40 years, during which I have witnessed his unwavering commitment to his family. He is . . . a nurturing and supportive father to their children, Anthony and Patricia. He consistently prioritizes their well-being and happiness, always making time to listen to them and encouraging them to be their true selves.”).

Mr. Villani’s investment in his family as a father, son, spouse, and friend are all testaments to his character, and his values. Mr. Villani is—and has always been—an indispensable anchor and support system for his parents, for Robin, and for his adult children. The Court should weigh heavily his family obligations in crafting a sentence that is sufficient but not greater than necessary for Mr. Villani. *See, e.g., United States v. Adelson*, 441 F. Supp. 2d 506, 513-14 (S.D.N.Y. 2006) (“if ever a man is to receive credit for the good he has done, and his immediate misconduct assessed in the context of his overall life hitherto, it should be at the moment of his sentencing, when his very future hangs in the balance.”).

B. Mr. Villani And His Wife Provided A Refuge To Nieces And Nephews In Need Of Stability

Mr. Villani also acted as a father figure to several children of friends and distant family, who he and Robin took into their home when, as teenagers, they faced strife and instability at home. Anthony's daughter Patricia describes: "My father has always had a generous heart. Throughout my childhood he has taken in many friends and cousins as his own. He provided stability and direction to kids who at the time did not have any." Ex. A, Patricia Villani Ltr.

Anthony warmly opened his home to a distant nephew, Andrew Jones, who needed a place to stay close to his college studies, when his parents were going through a bitter divorce. Anthony's welcome, and the structure of living in a stable family home allowed his nephew to thrive. Andrew writes the Court that although he has "known Anthony all [his] life . . . [i]n [Andrew's] earlier years, this was more a distant relationship, seeing each other only during holidays or family events as [he] lived about two hours away." Ex. A, Andrew Jones Ltr. But in 2010, Andrew "was going through some troubles at home due to [his parents going through a divorce and [he] decided to transfer to Berkeley College in Manhattan to complete [his] degree." *Id.* For Andrew, that was an approximately "4 hour round trip commute daily from upstate NY where [he] was living to NYC to attend [his] classes." *Id.* Once Anthony learned "of the struggle [Andrew] was facing," he acted immediately: Andrew "received a call from him inviting me to stay at his house during the school weeks to alleviate some of my commuting burdens." *Id.* Anthony's house was not just a crash pad for Andrew; Anthony made sure Andrew felt like it was his home: "I was treated like another one of his children, always making sure that I had food, support for classes and even including me on their family vacations and never was anything expected in return." *Id.*

Andrew is now a successful professional. He is “a Finance Executive with PepsiCo and ha[s] been with the company for 11 years.” *Id.* But Andrew is clear that he “would not be in the position [he is] in, without Anthony Villani’s presence in [his] life.” *Id.* As Andrew explains in his letter to the Court:

If I didn’t have Anthony in my life, there is no doubt that I would have not been as successful due to the work ethic, family values and selflessness that Anthony had instilled in me. I am a very firm believer that having a positive role model in your life has direct impact on what road you decide to take. I am convinced that many of the defendants that appear before you did not have an “Anthony” in their life.

Id.

He appreciates that even when he struggled, Anthony “never gave up on [him] and always encouraged [him] to do better, to not settle and always continue to grow. It is the effort that he showed that [Andrew] will never forget, when he could have focused the efforts on his own life and not [Andrew’s].” *Id.* Andrew’s mother, Lisa Jones, reflects similarly how during a “chaotic” time in her family life, Anthony stepped in to nurture her son. According to his mother, Andrew “learned valuable work ethic under Anthony’s supervision,” she “attribute[s] a good portion of Andrew’s success to Anthony’s support and guidance.” Ex. A, Lisa Jones Ltr.

Andrew was not the only beneficiary of such extraordinary help from Anthony. He similarly provided consistent guidance and care for his niece, Britany, when she was a child. Britany was raised by her grandparents, but it was her uncle, Anthony, who “stepped up to make sure [she] had structure and drive in [her] life.” Ex. A, Britany Stampfl Ltr. Anthony was a constant presence in Britany’s young life. Britany writes how: “Uncle Anthony would pick me up for the weekends, take us to dinner or movies, play arcade games with us, as well as make every family holiday a memorable one (like taking us snow tubing down our road on Christmas Eve when we had a major snow storm).” *Id.* Anthony was so strong a parental presence for Britany that she “refer[s] to him as papa, after [their] family trip to Puerto Rico that he included [Britany]

in to ensure [she] had a ‘normal’ upbringing as possible.” *Id.*; accord Ex. A, Janice Villani Ltr. (“He stepped in to help care for my granddaughter, ensuring she felt safe, supported, and loved during those uncertain times.”).

As she has matured into a young adult, Anthony has remained “a constant source of support and guidance.” Ex. A, Britany Stampfl Ltr. To this day, Anthony “always makes the time to help [Britany] make the right decisions no matter what. His wisdom and encouragement is what . . . I rely on when we are facing challenging decisions.” *Id.* To Britany, Anthony “is the definition of a family man.” *Id.*

Even when Anthony’s own children were young, and he had the significant responsibilities of caring for them, Anthony welcomed into his home friends and family who had few other options. *See* Ex. B, Lynda Natale Ltr. at 1 (“In the earlier years, I witnessed Anthony welcoming children into their home when his children’s friends faced hardships, demonstrating his compassion, generosity, and genuine care for others.”). Anthony’s son recalls:

When I was in high school, one of my closest friends found himself in a difficult and unhealthy home situation. With no hesitation, my father opened our doors to him, welcoming him into our home as one of our own. He lived with us for two years, allowing him to finish high school and graduate with his friends. To this day, I consider him my brother, and he calls my parents “Mom” and “Dad.” My father didn’t have to do this, there was no obligation, no expectation but he did it because that’s who he is. He has always been someone who puts others before himself, someone who believes in giving people a chance, even when it comes [at] a personal sacrifice.

Ex. A, Anthony Villani (Jr.) Ltr. at 1-2; accord Ex. A, Marguerite Ryder Ltr. (“Anthony regularly opens his home to family and his children’s friends, fostering a welcoming space where everyone feels included and valued. He takes great joy in providing a safe and enjoyable environment, nurturing connections and friendships among the children. Many family members, including my son, have lived with them and have greatly benefited from the opportunities and support that otherwise may not have been available.”).

Brian Vasquez benefitted tremendously from Anthony's warm fatherly generosity:

I met Anthony when I was 11 years old. Since the day I met him he treated me like his son. [REDACTED]

[REDACTED] and he gave me the kind of guidance and support that every little boy needs his life. He taught me the values of working hard, being consistent, and to have drive. These are just a few things that shaped me into the man I am today.

[REDACTED] Anthony without any hesitation took me in. He made sure I had food, clothes and anything else I needed so I can finish school. His home wasn't just a place to sleep, it was the support I needed to gain the structure and stability to continue moving forward.

He made me feel like part of the family, always including me in vacations, taking me to sporting events, family dinners, and If there was an event he had me there by his side like I was one of his own. His kindness and generosity had such an effect on me that I knew that these are qualities that I want for myself. That's who he is, someone who quietly steps up when someone is in need, and never expects anything in return.

Ex. B, Brian Vasquez Ltr. at 1.

So too, for Robbie Yuen, a close friend of his son, Anthony filled a real void when Robbie was young and his "parents were busy working in the restaurant business and had very little time for the extracurricular activities and fun family moments." Ex. B, Robbie Yuen Ltr. When he was a child, "Anthony was a father figure to [Robbie]," and for Robbie, Anthony's house "was a second home." Ex. B, Robbie Yuen Ltr. Robbie reflects:

Growing up, I spent many days and nights with the Villani's. . . . I felt as though I was a part of the family.

. . .

Anthony accepted me with ease into his family life and I will be forever grateful. As a young boy, Anthony would take his son and I to the arcades, movies, dinners, etc. He spent time with us, showed us right and wrong, and to this day I instill some of those teachings onto my children.

. . .

Growing up around Anthony, I always felt safe and valued. He has a fun and playful side. He always joked, played pranks, and made everyone around him feel happy and at ease. I knew nothing but care, love, and laughter from Anthony and he always treated me that way from my childhood, through my teenage years and into adulthood. He invited me into his home, trusted me with his family, and cared for me as if I was one of his children.

Ex. B, Robbie Yuen Ltr.

Responsibility, generosity, and warmth are Anthony's hallmarks—as they have always been. So many family members and friends have benefitted from Anthony's thoughtful nature. When a distant cousin, niece, nephew or family friend needed a responsible adult for guidance, Anthony instinctively filled the void. A close friend, Lynda Natale, wondered, when Anthony would arrange activities for a passel of kids in addition to his own, "how Anthony was able to manage with all those kids," the answer Robin gave was simple: "someone had to care for them, and that was what Anthony did." Ex. B, Lynda Natale Ltr. at 1.

C. Anthony Is The First Line Of Support For His Family And Friends

Anthony's friends and extended family know that he is always first to respond when they're in need of help, comfort during a health crisis, or just a caring word in a difficult situation. And they rely on him for that.

Anthony was truly a lifeline for his nephew Anthony Smith, [REDACTED]

[REDACTED]. Ex. A, Anthony Smith Ltr. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] He gave me confidence and always
said the right things that made me feel better. [REDACTED]

[REDACTED] Always including me in everything. [REDACTED]
[REDACTED] Seriously he is like a father figure to me. [REDACTED], but
my uncle was. I am forever grateful to him.

Id.

[REDACTED]
[REDACTED] *Id.*; see also Ex. B, John Luppò Ltr. at 1 (“I spent 30 years
working on Wall Street, [REDACTED]
[REDACTED]
[REDACTED]. He never judged me; instead, he encouraged me and
believed in my ability to turn my life around Anthony has always believed in second chances,
and I am living proof of the impact that belief can have on someone’s life.”).

Anthony’s cousin, Marie Mandarino, described how throughout their lives, when her
family encountered medical emergencies, Anthony was always the first to help. For example,
when Marie’s [REDACTED] her
cousin “Anthony helped watch [her] children so that [she] could focus on providing [her] husband
the support he needed to live.” Ex. A, Marie Mandarino Ltr. And when Marie herself “[REDACTED]
[REDACTED],” dependably, Anthony was there for her:
“Anthony was able to visit me many times. He brought the nursing staff cookies. This lightened
the mood and helped the days go faster and be less painful.” *Id.*

Anthony was similar present for James Figaro’s family—the brother of Anthony’s
girlfriend Holly—when they encountered stress and crisis. When James’ “oldest son,” who was
five years old at the time, was “[REDACTED]
[REDACTED]

[REDACTED]. Ex. B, James Figaro Ltr. at 1. During that difficult time:

Without hesitation, Anthony was there every single day. Not only did he visit, but he spent several hours each day by my son's side, bringing toys, coloring books, ice cream and milk shakes. Most son looked forward to his visits so much he would ask, "when is Uncle Anthony coming?" It was the highlight of his day. Anthony's visits were also very helpful to me and Angelo's mom. It was a much needed mental break for us, a time to step out, get a bite to eat and decompress for a few moments. That kind of unwavering support and love is rare, and it speaks volumes of the type of person he is.

Id.; *see also id.* at 1-2 ("I am a divorced single father, my divorce was the most difficult challenge I have ever faced. From day one Anthony was there for me. He was never more than a phone call away. He opened his home to me and my four children before I had a place of my own and still continues to do so. He has made sure we never felt alone.").

Anthony's lifelong friend, Gina Ferri, has unfortunately come to rely on Anthony to help her through [REDACTED] Knowing that he would be there for her as only a close friend can, Anthony "was among the few [Gina] turned to for support." Ex. B, Gina Ferri Ltr. at 1 ("I knew he could lift me from despair to a mindset of strength and positivity."). As he always does, Anthony has come through for Gina in her time of need: "Through regular calls and texts, he checks on me, reminding me of my resilience and offering encouragement on my darkest days. He senses my struggles-sometimes just from my voice during a casual conversation-and responds with words that renew my spirit." *Id.*; *see also* Ex. A, Janice Villani Ltr. (during the pandemic, Anthony looked after his step-mother, running errands for her, and "leav[ing] hot meals at the door" so she "wouldn't have to put [her] health at risk"); Ex. B, James Figaro Ltr. at 1 ("One of the earliest examples of his character that stands out to me is how he cared for my Grandmother in her final years. She passed away in December of 2017 at the age of 96, but before then, Anthony would frequently stop by to check on her. He never had to, he just wanted to. He would always ask if she needed groceries and would always take the time to sit and talk with her. This simple kindness meant the world to both her and my family").

Anthony's family and friends rely on him, because they know he will always be there when they need him most—a rare trait. “Anthony's presence enriches the lives of his entire family, who thrive with him in their lives.” Ex. B, James Figaro Ltr. at 1-2

IV. MR. VILLANI FIRST LEARNED OF THE INVESTIGATION INTO THIS CASE NEARLY FIVE YEARS AGO: HE HAS REORIENTED HIS LIFE SINCE

Mr. Villani was arrested on September 14, 2022, but for him, this case began almost two years earlier, in December 2020, when agents executed a search warrant on his home. In the last nearly five years, Mr. Villani has taken time to reflect, and regret the decisions he made that resulted in this case, and brought real instability in his life. Mr. Villani has shared his remorse with his son, who wrote the Court:

Your Honor, I know my father deeply regrets the decisions that brought him before you. That regret is not just for himself but for the impact this has had on our family. He has always been a man who takes responsibility for his actions, and I believe his remorse is sincere. My father has always been there for me, and despite the challenges we face now, I know he will continue to be the guiding force in my life.

Ex. A, Anthony Villani (Jr.) Ltr. at 2; *accord* Ex. A, Holly Figaro Ltr. at 2 (“Anthony feels deep remorse about his situation, but he never shows self-pity or complains. He understands how his actions have affected those around him and takes full responsibility.”).

And Mr. Villani has used the last five years productively. He has moved past his offense conduct, and refocused all of his attention on his local franchise business in Westchester.¹ *See* Ex. A, Holly Figaro Ltr. at 2 (“He works hard every single day, often from morning until night, and checks in on his store even after coming home. He's proud of the business he's built and deeply committed to it.”). But because of this case, those businesses are at risk—they are part of a nationwide franchise, and corporate headquarters may not permit Mr. Villani to continue the

¹ The government has never traced any funds from the gambling conduct to either of Mr. Villani's franchise locations, and there is no other evidence produced in Rule 16 discovery that Mr. Villani otherwise used gambling funds for those stores.

businesses he successfully started, and established nearly a decade ago. That has cast a pall of uncertainty on Mr. Villani's life, and his means of supporting himself.

Nonetheless, Mr. Villani has continued to use his stores to help lift up family, friends, and neighbors who have needed a stable job—particularly during transition moments in their lives. Anthony's cousin, John Mandarino, who now has an important management role in Anthony's stores, began working for Anthony when he was at loose ends after college. When he graduated from “college in Albany, New York, [John] was feeling lost and was working odd jobs,” trying to “figured out [his] life.” Ex. A, John Mandarino Ltr. At that moment, when he needed it most, John “received a call from Anthony asking [him] if [he] was interested in coming to work with him in his new restaurant.” *Id.* John was “[a]t first. . . hesitant,” but working with Anthony changed John's trajectory:

For the past five years of working with Anthony, I have learned to be a successful entrepreneur and how to properly run a business. I started as a regular team member for Anthony and five years later, I now have signed a franchise agreement for my third [store]. Without Anthony's guidance, I would have never had this opportunity to be successful in the restaurant business. I am truly blessed to have Anthony as family and a business partner. He ultimately continued, and still continues, to be that same person that I looked up to as a child.

Id.

Britany Stampfl had a similar experience working for her uncle. When she struggled during uncertain transition times in her life, she was able to find stability working for Anthony. As her employer, her “Uncle Anthony taught [her] the importance of being independent” and those lessons and professional experiences with Anthony were “instrumental” in pushing her to “go[] to college to become a special education teacher.” Ex. A, Britany Stampfl Ltr. While she worked for him, Anthony “supported [Britany] anyway he could, encouraged [her], and always shared with me how proud he was of [her] during the hard times.” *Id.*

For his long term employees Anthony is also a dream boss. Lucia Esposito who has worked for Anthony since 2017 is clear: “I can definitely say Anthony is a boss that you will never find in any job or work environment.” Ex. B, Lucia Esposito Ltr. at 1-2. He is considerate of her needs, and patient when she has a challenge learning something new. *Id.* (“he made it so easy for me to actually enjoy it. The desperate times I needed off of work or couldn’t make it he always got me covered in seconds even if no one was available. His jokes and sense of humor carried me through most of my shifts. . . . He gave me advice and drilled most of the biggest lessons in my head that I still carry to this day.”). Most importantly, Anthony shows Lucia that she is important to him, beyond the hours she works in his business—Anthony is not just her boss, but a friend that Lucia can count on. Lucia explains:

[I]t was the days I was struggling and had a lot going on and he would be one of the first people to notice if I came into work. He sees me when I’m on top of the world and when I’m at my worst when I am crying to him. He wasn’t always there on the good days, most importantly the worst days and I think that is such a beautiful thing to have someone that is always in your corner, routing for you. He was patient when I needed guidance, wise when I needed advice, and enthusiastic about even the smallest victories. . . . His generosity and willingness to help others have been a consistent source of inspiration, and I believe his positive impact extends far beyond just our friendship.

Id.

Although the last five years since the search of Anthony’s home have been stressful, he has used that time to focus on what’s important: his family, his friends, his lawful business, and his employees who depend on him. These last five years are a testament to the life Anthony is working to build for his future—once this case is long behind him. A harsh Guidelines sentence would not just derail Anthony’s progress rebuilding his life, it would be counterproductive: a lengthy sentence would impose a great cost on Mr. Villani’s family, with no one to care for his elderly mother and step-father whose health continues to deteriorate. *See supra* § II. A substantially below-Guidelines sentence is thus appropriate for Mr. Villani.

V. MR. VILLANI'S CORRECT GUIDELINES CALCULATION IS A LEVEL 18, IN ACCORDANCE WITH THE PLEA AGREEMENT

Mr. Villani's plea agreement properly calculated his sentencing Guidelines for Racketeering Acts 1 and 2 as follows:

Base Offense Level (§§ 2E1.1(a)(1), 2E3.1):	19
Role as Organizer or Leader (§ 3B1.1(a)):	+4
Global Resolution (§ 5K2.0):	-2
Total (before acceptance of responsibility):	21
Acceptance of Responsibility (§§ 3E1.1(a), (b)):	-3
Total Adjusted Offense Level:	18

See Plea Agr. ¶ 2. That is accurate.

Probation's Guidelines calculation, however, included a computation for Racketeering Act #3: Attempted State Law Extortion, which Mr. Villani did not plead to, and which is not supported by a preponderance of the evidence. *See* PSR ¶¶ 46-48.

Indeed, while the PSR quotes consensual recordings attributed to Mr. Villani in addressing Racketeering Act #3, *see* PSR ¶ 47, they simply do not support finding extortion by a preponderance of the evidence. *See United States v. Vaughn*, 430 F.3d 518, 525 (2d Cir. 2005) ("district courts' authority to determine sentencing factors by a preponderance of the evidence endures").²

Violence, or threats of violence are notably absent from the record in this case. As an initial matter, although the CW dutifully recorded conversations with Mr. Villani for

² A draft transcript of the October 10, 2020 consensually-recorded conversation is attached as Exhibit C. Because the consensual recording from October 10, 2020 forms the basis of Probation's discussion of Racketeering Act #3, the attached transcript provides the Court with the evidence necessary to adjudicate any issue regarding whether Racketeering Act #3 should impact Mr. Villani's sentencing Guidelines. No *Fatico* hearing is required.

approximately a year, the PSR points to snippets of just two conversations. Even those, however, contain not a whiff of violence—actual or threatened.

As the PSR recognizes, the context for these recordings is that “[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Throughout the recording, however, there is neither violence, nor talk of violence. Indeed, after Mr. Villani learns of the CW’s apparent theft, the second half of the conversation is largely business as usual. Mr. Villani and the CHS calmly discuss directions to a meeting spot in Yonkers, New York. That is hardly a conversation the CHS would have continued were he afraid of impending violence. *See* Ex. C. Because neither threats nor violence are reflected in the recording, the attempted extortion charge is not supported by a preponderance of the evidence.

Mr. Villani’s longstanding relationship with the CW also provides important context for this conversation: in the several decades that Mr. Villani knew the CW he had never threatened the CW or anyone else with violence; there is no evidence to the contrary. The notion that he would suddenly resort to violence and attempted extortion, when there is no indication he had ever done so previously, strains credulity—that is not proof by a preponderance of the evidence.

Moreover, while the PSR describes as a threat Mr. Villani’s April 27, 2020 statement that [REDACTED] it simply is not. In the intervening six months between that April 27 recording and the October 10, 2020 consensual recording, there is not a whiff of evidence of threats or violence from Mr. Villani directed at the

CW or anyone else. *See* PSR ¶¶ 47-48. It is implausible that Mr. Villani would credibly threaten the CW in April, and do nothing for six months, while they worked together frequently. Because Racketeering Act 3 charged in the Indictment is not supported by a preponderance of the evidence, it should be stricken from the PSR and should not impact Mr. Villani's Guidelines calculation. *See United States v. Salazar*, 489 F.3d 555, 558 (2d Cir. 2007) ("the district court was required to use the preponderance of the evidence standard . . . for Guidelines calculation purposes").

VI. CONCLUSION

For the reasons stated above, Defendant Anthony Villani respectfully requests that this Court impose a substantially below-Guidelines sentence, which would be sufficient but not greater than necessary to accomplish the objectives set forth in 18 U.S.C. § 3553(a).

Dated: June 10, 2025
New York, New York

Respectfully submitted,

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